

1  
2  
3  
4  
5  
6  
7                   UNITED STATES DISTRICT COURT  
8                   WESTERN DISTRICT OF WASHINGTON  
9                   AT SEATTLE

10                  WILFORD ARMSTEAD,

CASE NO. C21-5557JLR-JRC

11                  Plaintiff,

ORDER

12                  v.

13                  WASHINGTON STATE  
14                  DEPARTMENT OF ENTERPRISE  
15                  SERVICES, et al.,

Defendants.

16                  This matter comes before the court on Defendants Washington State Department  
17 of Enterprise Services, the Washington State Department of Corrections (“DOC”), and  
18 the Washington State Office of Risk Management’s (collectively, “Defendants”) motion  
19 for summary judgment (MSJ (Dkt. # 6)); Plaintiff Wilford Armstead’s response to  
20 Defendants’ motion for summary judgment (MSJ Resp. (Dkt. # 10)); Defendants’  
21 response to United States Magistrate Judge J. Richard Creatura’s order to show cause  
22 regarding subject matter jurisdiction (OSC Resp. (Dkt. # 15); OSC (Dkt. # 11)); and the

1 report and recommendation of Magistrate Judge Creatura (R&R (Dkt. # 21)). Having  
2 carefully reviewed all of the foregoing, along with all other relevant documents, and the  
3 governing law, the court ADOPTS the report and recommendation, GRANTS  
4 Defendants' motion for summary judgment, and DISMISSES this case with prejudice.

5 A district court has jurisdiction to review a Magistrate Judge's report and  
6 recommendation on dispositive matters. Fed. R. Civ. P. 72(b). "The district judge must  
7 determine de novo any part of the magistrate judge's disposition that has been properly  
8 objected to." *Id.* "A judge of the court may accept, reject, or modify, in whole or in part,  
9 the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1).

10 The court reviews de novo those portions of the report and recommendation to which  
11 specific written objection is made. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121  
12 (9th Cir. 2003) (en banc) ("The statute makes it clear that the district judge must review  
13 the magistrate judge's findings and recommendations de novo if objection is made, but  
14 not otherwise."). When no objections are filed, the court need not review de novo the  
15 report and recommendation. *Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th Cir. 2005).

16 Because Mr. Armstead is proceeding *pro se*, this court must interpret his pleadings  
17 liberally. *See Bernhardt v. Los Angeles Cnty.*, 339 F.3d 920, 925 (9th Cir. 2003).

18 Here, no party has objected to the report and recommendation. (*See* Dkt.) Thus,  
19 the court need not review de novo the report and recommendation. *See Wang*, 416 F.3d  
20 at 1000 n.13. Moreover, the court has thoroughly examined the record before it and finds  
21 Magistrate Judge Creatura's reasoning persuasive in light of that record. Accordingly,  
22 the court ADOPTS the report and recommendation (Dkt. # 21) in its entirety and

1 GRANTS Defendants' motion for summary judgment (Dkt. # 6). Mr. Armstead's claims  
2 are DISMISSED with prejudice. The court DIRECTS the Clerk to send copies of this  
3 order to Mr. Armstead, counsel for Defendants, and Magistrate Judge Creatura.

4 Dated this 21st day of March, 2022.

5   
6

7 JAMES L. ROBART  
8 United States District Judge  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22